

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1256 of 1983

Date of decision: 2-9-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KASAMSHAH MOHMADSHAH DIWAN

Versus

A F PATEL  
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Appearance:

MR HK RATHOD for Petitioner  
MR Mukesh Patel for Respondent No. 1  
MR MD PANDYA for Respondent No. 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/09/96

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioner who is a workman of State Road Transport Corporation has filed this writ petition challenging the order of the Conciliation Officer, Valsad, dated 10-6-1982 under which approval has been

granted to the Corporation by it to dismiss the petitioner from service. The counsel for the petitioner contended that the Conciliation Officer has committed serious illegality in granting approval, as in the inquiry held against him he has not been given proper opportunity of defence. Learned counsel for the petitioner is unable to give out how the principles of natural justice have been violated in the inquiry, which has been held against the petitioner on the alleged misconduct. Merely bald statement that principles of natural justice have been violated in the inquiry will not suffice to hold the inquiry to be vitiated. The petitioner has to establish that the violation of principles of natural justice has caused prejudice to his valuable right of defence in the inquiry. It is only a case of grant of approval to the action of the respondent Corporation in dismissing the petitioner from service after holding departmental inquiry and after approval is granted the petitioner has effective remedy to challenge the dismissal on all the grounds available by raising industrial dispute. Learned counsel for the petitioner very fairly conceded that he has no instruction whatsoever either way from his client as to whether against the dismissal industrial dispute has been raised or not. Mr. M.D. Pandya, learned counsel for the Corporation on the other hand submitted that the Corporation has also not received any notice of raising industrial dispute against dismissal by the petitioner. The order which has been made by the officer does not call for interference. This Court will not sit as appellate court over the decision of the competent officer on a application filed by the management for approval of its action to dismiss the petitioner. I do not find any error apparent on the face of the order which calls for interference by this Court.

2. In the result the special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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